

# Notice of Allowability

Application No.

10/781,252

Examiner

Jaime M. Holliday

Applicant(s)

HAWE, WILLIAM

Art Unit

2617

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to R.C.E. filed July 25, 2006.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 19, 2006 has been entered.

### ***Response to Amendment***

### ***Response to Arguments***

2. Applicant's arguments see pages 4-5 of "Remarks", filed June 19, 2006, with respect to **claims 1-3** have been fully considered and are persuasive. The 35 USC § 102(a) of claims 1-3 has been withdrawn.

### ***Allowable Subject Matter***

3. **Claims 1-3** are allowed.
4. The following is an examiner's statement of reasons for allowance:

Consider **claim 1**, the most relevant prior art of record, Cotanis (Pub # U.S. 2002/0042268 A1), fails to specifically show, disclose or suggest employing a positively identified dynamic system attribute to determine whether to modify a communication link state, and if determined, prompt modification of the communication link state, in a wireless network.

Cotanis clearly shows and discloses a method for determining signal coverage for a wireless device. The method including, for example, receiving signal strength information for a signal; receiving location information representing a geographic location for one or more first locations; determining one or more local means based on the received signal strength information; estimating one or more second locations for the one or more local means based on the one or more first locations; transforming the one or more second locations into a route; and calculating the signal coverage for the route based on a signal coverage for at least one of the one or more second locations (paragraph 8). A system **100** for determining the signal coverage of a radio frequency transmitter includes an antenna **105**, a receiver **120**, a global positioning system (GPS) receiver **130**, a processor **140**, a storage module **150**, an input module **110**, and an output module **160**. The processor may include, for example, one or more of the following: one or more central processing units, a co-processor, memory, registers, and other data processing devices and systems as appropriate. Moreover, the processor may control the receiver and/or GPS receiver; collect and then store information provided by the receiver and/or GPS receiver; preprocess and/or process the collected information; estimate a statistic, such as standard deviation, based on the collected

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information; and determine the signal coverage of a radio frequency transmitter (apparatus for ascertaining a dynamic attribute of a system comprising a processor), (paragraphs 32 and 35).

Cotanis, however, lacks the claimed steps of employing, by an apparatus for use by a network device, a positively identified dynamic system attribute to determine whether to modify a communication link state, and if determined, prompt modification of the communication link state, in a wireless network, therefore this limitation, in conjunction with the other limitations recited in claim 1, is novel and unobvious in view of Cotanis.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **EXAMINER'S AMENDMENT**

The application has been amended as follows:

Insert in first line of specification:

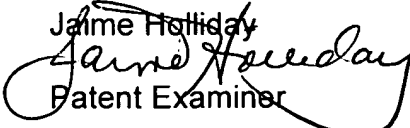
This application claims benefit of 60/449,602 02/24/2003 and claims benefit of 60/466,448 04/29/2003 and claims benefit of 60/472,320 05/21/2003 and claims benefit of 60/472,239 05/21/2003.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571) 272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jaime Holliday  
  
Patent Examiner

  
JOSEPH FEILD  
SUPERVISOR/PATENT EXAMINER